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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/580,663	03/23/2007	Hector Daniel Elbaum	1866-8624US	5028

7590  
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EXAMINER
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ST CYR, DANIEL

ART UNIT	PAPER NUMBER
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2876

MAIL DATE	DELIVERY MODE
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09/15/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/580,663	<b>Applicant(s)</b> ELBAUM ET AL.	
	<b>Examiner</b> Daniel St.Cyr	<b>Art Unit</b> 2876	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 23 March 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 May 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>5/26, 3/08</u> .  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Priority***

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-28 are rejected under 35 U.S.C. 102(b) as being anticipated by Linehan, US Patent No. 6,327,578.

Linehan teaches a four-party credit/debit payment protocol comprising: a consumer's computer 202 a start message 220 over an internet network to a merchant's computer 204, the merchant's computer 204 then replies to the consumer's computer 202 with a merchant message 222 including a wallet initiation message, a merchant digital signature, and a digital certificate from an acquiring bank 208; the wallet initiation message includes a payment amount, an order description, a timestamp, and a nonce; starting a consumer's wallet program in the consumer's computer 202 in response to the wallet initiation message; the consumer's computer 202 then sends a message 224 over the internet network including some consumer identity and authentication information, such as a userid and user password, plus the merchant message, to an issuer gateway 214 operating on behalf of an issuing bank 212; the issuer gateway 214 verifies the merchant's signature to prove that the consumer is dealing with the actual merchant

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and validates the merchant's certificate and the acquirer's certificate to prove that the merchant and issuer share a common financial arrangement; the issuer gateway 214 then verifies that the consumer's account is active and has sufficient funds and/or credit to support the payment amount; the issuer gateway 214 then pre-authorizes payment by sending over the internet network an authorization token 254 over path 226, an issuer's digital certificate, the wallet initiation message, and a reference number or value 252' representing the consumer's credit or debit card number; the issuer gateway 214 signs the authorization token 254 on behalf of the issuing bank 212; the merchant 204 verifies the issuer's signature, issuer's digital certificate, and authorization token contents to validate that the payment is authorized by the issuer 212; the merchant 204 sends a capture request message 256 over path 242, including the reference number 252' representing the consumer's card number, over the internet to an acquirer gateway 206 operating on behalf of an acquirer bank 208, to capture the transaction and get paid; the acquiring bank 208 will settle accounts with the issuing bank 212 over a private network, by sending a settlement message 258 that includes the reference number 252' to the consumer's card number (see col. 5, line 50 to col. 3; figs. 1-3).

### ***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US Patent No.: 6,554,183; 7,210,620; 7,321,864; 7,340,600.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel St.Cyr whose telephone number is 571-272-2407. The examiner can normally be reached on Mon-Fri.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on 571-272-2398. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DS

September 14, 2009

/Daniel St.Cyr/

Primary Examiner, Art Unit 2876